

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

PARKER PELHAM, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

VBIT TECHNOLOGIES CORP., VBIT
MINING LLC, ADVANCED MINING
GROUP, DANH CONG VO A/K/A DON VO,
PHUONG D VO A/K/A KATIE VO, SEAN
TU, JIN GAO, LILLIAN ZHAO, AND JOHN
DOE INDIVIDUALS 1-10, AND DOE
COMPANIES 1-10,

Defendants.

C.A. No.: 23-cv-162-CFC-SRF

CLASS ACTION

**NOTICE OF NON-OPPOSITION TO MOVANT’S MOTION FOR
APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF SELECTION
OF COUNSEL**

Movant Alisha McKellar a/k/a Alisha Lee (“Movant”) respectfully submits this Notice of Non-Opposition to her unopposed Motion for Appointment as Lead Plaintiff and Approval of her Selection of The Rosen Law Firm, P.A. as Lead Counsel and Farnan LLP as Liaison Counsel (the “Lead Plaintiff Motion”). See D.I. 7.

The deadline for class members to seek appointment as lead plaintiff in the above-captioned action was April 17, 2023. Two movants filed lead plaintiff

motions: (i) Alisha McKellar a/k/a Alisha Lee, D.I. 7; and (ii) Parker Pelham (“Mr. Pelham”), D.I. 10.

Shortly thereafter, on May 1, 2023, Mr. Pelham withdrew his motion, recognizing that he did not have the largest financial interest in this litigation. D.I. 13. *See Brady v. Top Ships Inc.*, 2018 WL 3491691, at *4 (E.D.N.Y. July 20, 2018) (finding that lead plaintiff movants who filed notice of non-oppositions to competing motions “effectively withdr[ew]” their motions); *Jean v. STEC, Inc.*, 2010 WL 11468412, at *2 (C.D. Cal. Feb. 8, 2010) (“The Court treats this non-opposition as consent to the granting of a competing motion.”). Mr. Pelham thus consents to the Court granting Movant’s Lead Plaintiff Motion.

Accordingly, the Court should grant Movant’s unopposed Lead Plaintiff Motion in its entirety.

Dated: May 10, 2023

Respectfully submitted,

FARNAN LLP

/s/ Brian E. Farnan

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